

Notice of Allowability

Application No.

10/607,223

Examiner

Ashwin Mehta

Applicant(s)

TINIUS, CHRISTOPHER

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 24 July 2006 and tel. int. 28 September 2006.
2. ☒ The allowed claim(s) is/are 1-8 and 21-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>attached</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>7072006</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Status of Objections and Rejections

1. The amendments filed July 24, 2006 have been entered.
2. The objection to claims 1, 2, 7, 12, and 14 is withdrawn in light of the claim amendments.
3. The rejection of claims 1-20 on the ground of nonstatutory obviousness-type double patenting is withdrawn in light of the terminal disclaimer, which was approved.
4. The rejection of claims 1-20 under 35 U.S.C. 112, second paragraph is withdrawn in light of the claim amendments or cancellations.
5. The rejection of claims 9-15 and 20 under 35 U.S.C. 112, first paragraph is withdrawn in light of the claim cancellations.
6. The rejection of claims 1-20 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement is withdrawn in light of the deposit of seeds of soybean cultivar 6190006, in compliance with the deposit rules of 37 CFR 1.801-1.809.
7. The rejection of claims 9-11, 13, and 15, and of claim 20, under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a), is withdrawn in light of the claim cancellations.

Examiner's Amendment

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenyon Schuett on September 28, 2006.

The claims have been amended as follows:

In claim 6, line 5, the recitation, "pistils," was deleted.

29. A method of introducing a desired trait into soybean cultivar 6190006 wherein the method comprises:

- (a) crossing the 6190006 plants, wherein a representative sample of seed was deposited under ATCC Accession No. PTA-7236, with plants of another soybean cultivar that comprise a desired trait to produce progeny plants, wherein the desired trait is selected from the group consisting of male sterility, herbicide resistance, insect resistance and resistance to bacterial, fungal or viral disease;
- (b) selecting one or more progeny plants that have the desired trait to produce selected progeny plants;
- (c) crossing the selected progeny plants with the 6190006 plants to produce backcross progeny plants;

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- (d) selecting for backcross progeny plants that have the desired trait and physiological and morphological characteristics of soybean cultivar 6190006 to produce selected backcross progeny plants; and
- (e) repeating steps (c) and (d) [three or more times] in succession [to produce selected fourth or higher] until backcross progeny plants are produced and selected that comprise the desired trait and all of the physiological and morphological characteristics of soybean cultivar 6190006 as described in the Variety Description Information.

9. Claims 1-8 and 21-32 are allowed.

Contact Information

Any inquiry concerning this or earlier communications from the Examiner should be directed to Ashwin Mehta, whose telephone number is 571-272-0803. The Examiner can normally be reached from 8:00 A.M to 5:30 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anne Marie Grunberg, can be reached at 571-272-0975. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

September 28, 2006

A handwritten signature in black ink, appearing to read 'Ashwin D. Mehta', written in a cursive style.

Ashwin D. Mehta, Ph.D.
Primary Examiner
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